

(no. 13)



Mr. ASGILL,
ON
The Bill depending in Par-
liament relating to the
PEERAGE.



Mr. ASHTON

ON

The Bill depending in the
Senate relating to the
Pensions



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THE

*Complicated Question
Divided:*

UPON

The BILL now depending
in Parliament

Relating to

PEERAGE.

Written by Mr. ASGILL.

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THE
Complicated Question
of Disunity:

Upon

The Bill now depending
in Parliament

Relative to

PAGE.

Wm. Pitt Esq; M.A. M.D.L.F.



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The Complicated Question divided, &c.

THE Design of the Bill
(as stated by an Anonymous Member of the
present House of Commons) is,

‘ That on the part of Scotland,
‘ in lieu of Sixteen Elective Peers,
‘ Twenty-five shall have Hereditary Seats in Parliament, to be
filled

‘ filled up, upon any Extinction,
‘ out of the Peers of Scotland.’

And, ‘ That on the part of
‘ England, no more than Six Peers
‘ may be added by the King to
‘ the present Number; and all
‘ Failures to be supplied by the
‘ Crown out of the natural-born
‘ Subjects of Great Britain.’

And upon this, he states the
Question to be, ‘ Whether this
Alteration be of that nature, as
that it can be honourable, and
becoming the Members of the
House of Commons, to concur
in it?’

Which being a complicated
Question, the usual Parliamentary
Way

Way for resolving upon it, is by dividing it. Which might be,

1. Whether the Design of the Bill itself be right in Policy ?
2. Whether the Manner of Executing that Design be just in Conscience ?

And if both these are true in the Affirmative, it must be both honourable and becoming the House of Commons to concur in it.

As to the Political Part, ' Whether it be more safe for the Constitution of the Government to have the Number of Peers in Parliament fixed or fluctuating ?' it is a Subject of future Speculation, rather than present Argument.

Be-

Because the Success of either, depends upon Events not yet seen: Which may prove, either good or evil, according to the Use, or Abuse, of Power.

While the Number of Peers in Parliament remains unlimited, by Continuance of the Prerogative in the Crown to multiply them at pleasure, such occasional Additions may be made to them (by Abuse of that Power) as may render that House unequal, or inferior, in Ballance of Power, to the other Parts of the Legislature.

And the Jealousy of this Consequence is the Argument for the Bill.

And

And on the other hand, in case this Prerogative of the Crown be limited (as designed by the Bill) the Peers in Parliament, being thereby made absolute in Number, without Controul, may (by Abuse of that Power) render the other Parts of the Legislature unequal, or inferior, in Ballance of Power to the Peers.

And the Jealousy of this Consequence is the Argument against the Bill.

And had I a Vote in this Political Part of the Question, (which I have not) I should find a difficulty in resolving it within myself; And am therefore far from pre-

suming to prompt any thing to others about it.

But as to the last part of the Question, ‘ Whether the Manner of executing the Design of the Bill be just in Conscience?’ it naturally falls within the cognizance of every individual Man, by appealing to his own Conscience, and taking the Reflex of it; from that Evangelical Test, left by the Author of Truth:

Whatsoever ye would that Men should do unto you, do ye even so to them; for this is the Law and the Prophets.

Christ having in his Sermon upon the Mount refined the Decalogue of the Moral Law, to a height

height beyond Man's reach, and yet not higher than he himself observed it :

In the Close of that Sermon, he hath left this Test as a Perpetual Almanack, or *Vade Mecum*, for every Man to carry about him, for resolving Doubts of any thing that may happen to him, or come before him, which doth not directly fall under any express Command in that Decalogue ; of which the Question in hand is one.

And being lately become a Limb of a Scotsman, I appear as a Volunteer (without Doors) in relation to the Scotch Peerage only.

The Commons of Great Britain, in Parliament assembled, are an Abstract of the whole common People, elected by themselves as their Mouth and Representative.

Whence the Law saith, That every individual Subject is a Party to every Act of Parliament.

In like manner, upon the Union of the two Kingdoms, it was compacted, ‘ That the whole Peerage of Scotland shall have their Votes in the House of Peers in Great Britain, by an Abstract of

‘ of Sixteen, elected by them-
‘ selves, as their Proxies or Re-
‘ presentatives.’

And if this Right of Election, thus annexed to the Dignity of the Peers, be as sacred as the Right of Election annexed to the Properties of the Commons:

Then the taking away this Right of Peers-Electors, (without their Consent) and converting the Peers elected by them, into an hereditary Succession of Peers in Parliament;

Is equal to the taking away the Right of the Commons-Electors, and converting the Com-

mons

mons elected by them, into an hereditary Succession of Commons in Parliament.

And whether such a Conversion would be just, according to this Evangelical Test? judge you.

And indeed this Anonymous Patron for the Bill, seems tacitly to acknowledge such a Consent to be just, if it were attainable: But saith, ' That it is impossible to have such a Consent of the Peers-Electors, because the Argument being taken from a personal Right, will make the express Consent of every individual Peer necessary,

' sary, and not only the
' sent of a Majority.'

Which seems a direct Inver-
sion of the whole Scheme of
Government ;
Elective,
Legislative, and
Judicial.

In each of which, the Ori-
ginal Consent of every Indivi-
dual is, to be concluded by the
Majority.

And therefore consenting to be
so concluded, the Vote of the
Majority , is the Vote of the
Whole.

Which puts an end to Strife ;
and

and without which, there could be no Law.

Wherefore if the other Patrons for the Bill, are of opinion with this Anonymous Legislator, to admit the Peers of Scotland to have the original Election of the Twenty-five Scotch Peers, intended to be Hereditary Peers in Parliament; it is likely that the Bill, so amended, may facilitate the passing it into an Act:

Without entailing with it the Violation of Right complained of.

There is *Scandalum datum*, which he that gives, is the Offender.

And

And there is *Scandalum acceptum*,
which he that takes, is the Of-
fender.

And no Man would chuse the
Part on which the Offence cometh.

It is incident to every Legis-
lature, to have an Omnipotent
Power, as far as their Jurisdiction
extends.

So Paul saith, *If it be but a
Man's Covenant, and confirmed, no one
disannulleth it.*

And therefore should this Bill
(as it is) pass into a Law;

It would be an Estoppel, to
gainsay

' That it is just, because the
' Legislature did it.'

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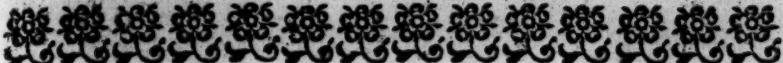
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But yet it would be no Derogation to that Legislature, to have it said,

' They did it, because it was just.'

F I N I S.




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